

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ROBERT M. KOLVEK,

Petitioner,

v.

WARDEN LASHANN EPPINGER,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 5:19-cv-00107

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Robert M. Kolvek seeks a writ of habeas corpus under 28 U.S.C. § 2254.

Under Local Rule 72.2(b), this case was automatically referred to a Magistrate Judge for a Report and Recommendation.¹ On September 4, 2020 Magistrate Judge Jonathan D. Greenberg issued a Report and Recommendation, recommending this Court dismiss in part and deny in part Kolvek's habeas petition.² The parties had until September 18, 2020 to object to the Report and Recommendation.³ Neither party objected.

Because neither party objected, the Court could adopt the Report and Recommendation without review.⁴ Still, the Court reviewed the Report and Recommendation and agrees with Magistrate Judge Greenberg's determinations. The Court agrees that Petitioner's first and fourth assignments of error are procedurally defaulted.

¹ [Local Rule 72.2\(b\)](#)

² Doc. [13](#).

³ [28 U.S.C. § 636\(b\)\(1\)](#); [Local Rule 72.3\(b\)](#). On September 18, 2020, Petitioner moved for additional time to file objections. Doc. [14](#). The Court did not grant Petitioner's motion.

⁴ See [28 U.S.C. § 636\(b\)\(1\)](#); [Thomas v. Arn](#), 474 U.S. 140, 149–53 (1985); [U.S. v. Walters](#), 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 5:19-cv-00107
GWIN, J.

Moreover, the Court agrees that Petitioner's ineffective assistance of counsel claims, assignments of error five through seven, fail on the merits.

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's Report and Recommendation, and **DISMISSES in part** and **DENIES in part** Kolvek's habeas petition.

IT IS SO ORDERED.

Dated: June 1, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE